

CHAPTER 297
FORMERLY
SENATE BILL NO. 199

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATOR LICENSURE AND CERTIFICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 14, Chapter 12, Subchapter II. of the Delaware Code as follows:

CHAPTER 12. EDUCATOR LICENSURE, CERTIFICATION, EVALUATION, PROFESSIONAL DEVELOPMENT, AND PREPARATION PROGRAMS

Subchapter II. Four-Tiered Licensure System

§ 1210 Tier One — Provisional licensure.

(a) A provisional license is valid for 1 year unless revoked. The Department shall issue a provisional license under this section if an applicant demonstrates that the applicant has received a bachelor's degree from a regionally accredited 4-year college or university, has achieved a passing score on an examination of general knowledge, has achieved a passing score on a content-readiness exam and has either completed a student teaching program or meets any 1 of the following alternatives to student teaching:

(1) One year of teaching experience consisting of a minimum of 91 days of long-term teaching experience in 1 assignment, except that this provision shall not apply to applicants seeking a provisional license to teach in a core content area. For the purpose of this section, "core content area" means any subject area tested by the state assessment system, including mathematics, English/language arts, science, and social studies. Experience in an alternative routes for teacher licensure and certification program may not be used to meet this alternative; or

(2) The applicant is enrolled and participating in an alternative routes for teacher licensure and certification program pursuant to subchapter V or VI of this chapter; or

(3) The applicant is applying for a provisional license and certification as a specialist and completes a supervised practical experience in the specialty area equivalent to student teaching as recognized pursuant to rules and regulations promulgated and adopted pursuant to this chapter. Equivalent practical experience in the specialty area may include a supervised internship, a practicum, or clinical experience. For the purpose of this section, "specialist" means an educator other than a teacher recognized pursuant to rules and regulations promulgated and adopted pursuant to this chapter who is eligible to apply for both licensure and certification from the State in order to engage in other related professional support services.

(b) If a provisional licensee intends to apply for an initial license, the licensee shall, prior to the expiration of that provisional license, complete professional development and mentoring activities as may be required by rules and regulations promulgated and adopted pursuant to this chapter.

(c) A provisional license may not be renewed. It may, however, be extended pursuant to § 1217 of this title.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, a provisional license may be issued for a period of 1 year for applicants in a vocational trade and industry ("Skilled and Technical Sciences" or "STS"). Prior to the expiration of provisional licensure, such applicants must demonstrate progress towards meeting certification requirements.

(e) On or before January 20, 2022, the Department of Education shall provide a report to the General Assembly on the impact of the established requirement of the performance assessment under this subchapter. Such report shall be conducted by an independent entity. The report shall include, but not be limited to, a comparative analysis of student performance of students taught by novice educators having passed a performance assessment and students taught by novice educators who have not successfully passed a performance assessment. The report shall include overall educator retention rates, including information on educators who remain in original placement schools and educators who remain in the teaching profession. The report shall be inclusive of the academic years July 1, 2016, through June 30, 2021.

§ 1211 Tier Two — Initial licensure.

(a) An initial license is valid for 4 years unless revoked. The Department shall issue an initial license under this section if an applicant demonstrates that the applicant received a bachelor's degree from a regionally accredited 4-year college or university, has achieved a passing score on an examination of general knowledge, has achieved a passing score on both a content-readiness exam and approved performance assessment, and has either completed a student teaching program or meets any 1 of the following alternatives to student teaching:

(1) One year of teaching experience consisting of a minimum of 91 days of long-term teaching experience in 1 assignment, except that this provision shall not apply to applicants seeking an initial license to teach in a core content area. For the purposes of this section, "core content area" means any subject area tested by the state assessment system, including mathematics, English/language arts, science, and social studies. Experience in an alternative routes for teacher licensure and certification program or the Special Institute for Teacher Licensure and Certification Program may not be used to meet this alternative; or

(2) The applicant is enrolled and participating in the alternative routes for teacher licensure and certification program pursuant to subchapter VI of this chapter of this title; or

(b) Notwithstanding the provisions of subsection (a) of this section, an initial license may be issued for a period of 3 years, if an applicant received a provisional license as their first license.

(c) If an initial licensee intends to apply for a continuing license, the licensee shall, prior to the expiration of that initial license, complete professional development and mentoring activities as may be required by rules and regulations promulgated and adopted pursuant to this chapter.

(d) Notwithstanding the provisions of § 1210 of this title and subsection (a) of this section and pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may issue an initial license to an applicant with at least one year of teaching experience but less than 4 years of teaching experience who is licensed as an educator in another jurisdiction or to an applicant who previously held a valid Delaware certificate that has since expired.

(e) An initial license may not be renewed. It may, however, be extended pursuant to § 1217 of this title.

(f) Notwithstanding the provisions of subsections (a), (c), and (d) of this section,, an initial license may be issued for a period of up to 5 years for applicants in a vocational trade and industry ("Skilled and Technical Sciences" or "STS") area to complete specified college level course work required for certification. Such applicants must achieve a passing score on an examination of general knowledge such as Praxis I and obtain a passing score on an approved performance assessment prior to the expiration of initial licensure.

(g) Notwithstanding the provisions of subsections (a) through (e) of this section, the Department may issue an initial license to an applicant for school nurse who meets all other requirements for initial licensure except for passage of an examination of general knowledge, provided that the applicant must pass an examination of general knowledge within one calendar year of the date of hire. If proof of passage of an examination of general knowledge has not been provided during the time period specified, the initial license will be suspended and may be able to be reviewed by the Secretary of Education.

(h) Notwithstanding the provisions of subsections (a) and (c) of this section, the Department shall issue an initial license to an applicant who meets the criteria for meritorious new teacher candidate designation adopted pursuant to § 1203 of this title.

§ 1212 Tier Three — Continuing licensure.

(a) A continuing license is valid for 5 years unless extended pursuant to § 1216 of this title or revoked.

(b) Upon application, the Department shall issue a continuing license to an educator holding an initial license if the educator has successfully completed the requirements of §1211 of this title and has not received more than 1 unsatisfactory annual evaluation, as defined by a State of Delaware approved educator performance system, during the periods of provisional licensure and/or initial licensure.

(c) Pursuant to the rules and regulations promulgated and adopted pursuant to this chapter, the Department may issue a continuing license to an applicant licensed as an educator in another jurisdiction or to an applicant who

previously held a valid Delaware certificate that has since expired. The applicant must have completed 4 or more years of successful teaching experience.

§ 1214 Tier Four — Advanced licensure.

§ 1217 License extension; license freeze.

(b) An educator may take an extended leave of absence for up to 3 years with no effect upon the validity or expiration of the educator's provisional, initial, continuing or advanced license.

(c) If an applicant is not employed by a public school district or charter school, the provisional or initial license shall be inactive until such time as the applicant is employed by a public school district or charter school. Once employed, the provisional license shall be in effect for 1 year or the initial license shall be in effect for up to 4 years and all rules and regulations promulgated and adopted under this chapter shall apply.

§ 1218 Denial of licenses.

(a) Pursuant to rules and regulations promulgated and adopted pursuant to this chapter, the Department may deny an applicant's application for a license for failure to meet the qualifications for a license. The Department may further deny a license to an applicant who otherwise meets the requirements of this subchapter for any of the causes enumerated in § 1219(a) and (b) of this title.

§ 1219 Limitation, suspension and revocation of licenses.

(s) For the purpose of this section only, the term "license" shall include a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003, a provisional license issued pursuant to § 1210 of this title, an initial license issued pursuant to § 1211 of this title, a continuing license issued pursuant to § 1212 of this title, or an advanced license issued pursuant to § 1214 of this title.

§ 1220 Disclosure.

Pursuant to the rules and regulations promulgated and adopted under this chapter, the Department shall require each applicant for a license under this chapter to disclose that applicant's own criminal conviction history. Failure to disclose a criminal conviction history pursuant to this section is grounds for denial of a license under § 1218 of this title, revocation of a license under § 1219 of this title, and/or criminal prosecution under subchapter VI (Criminal Background Check for Public School Related Employment) of Chapter 85 of Title 11 until April 7, 2016 and effective on April 7, 2016, subchapter I of Chapter 3 of Title 31.

Section 2. Amend Title 14, Chapter 12, Subchapter V of the Delaware Code as follows:

Subchapter V. Special Institute for Teacher Licensure and Certification

§ 1250 Established.

A special institute to be run by 1 or more of Delaware's teacher training institutions shall be established to provide a program for college graduates without a license and/or certificate to become licensed and certified to teach in Delaware public schools. The program shall be designed for such graduates, who hold a bachelor's degree but who have no teacher training or previous teaching experience. The Professional Standards Board and the State Board of Education shall promulgate and adopt rules and regulations pursuant to this chapter that are relative to the special institute for teacher licensure and certification and the teacher training institution or institutions will set up and manage the program. There will be no tuition charged to persons participating in the special institute leading to provisional licensure and certification.

§ 1252 Format of special institute program.

The general format for the special institute shall include the following:

(1) For the individual seeking licensure and certification in a secondary content area which corresponds to the major field of study in the bachelor's program, it is intended that 1 summer of courses in the special institute; 1/2 year (1 semester) of student teaching, or 1 year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of study leading to the provisional license and standard certificate. A provisional license conditioned on continued enrollment in the Special Institute and an emergency certificate shall be issued to the person employed to complete the 1 year of full-time teaching experience in lieu of student teaching. Upon

successful completion of the Special Institute for Teacher Licensure and Certification Program, the individual shall receive an initial license valid for a 3 year term, and a standard certificate.

(2) For individuals seeking licensure and certification in elementary or special education, it is intended that 2 summers of courses in the special institute (immediately before and after a student teaching experience or 1 year full-time teaching experience); 1/2 year of student teaching or 1 year of supervised, full-time teaching experience in a Delaware public school; and additional coursework as necessary constitute the program of study leading to the provisional license and standard certificate. A provisional license conditioned on continued enrollment in the Special Institute and an emergency certificate shall be issued to the person employed to complete the 1 year of full-time teaching experience in lieu of student teaching. Upon successful completion of the Special Institute for Teacher Licensure and Certification Program, the individual shall receive an initial license valid for a 3 year term and a standard certificate.

Section 3. Amend Title 14, Chapter 12, Subchapter VI of the Delaware Code as follows:

Subchapter VI. Alternative Routes for Teacher Licensure and Certification

§ 1260 Requirements for the participation in alternative routes for teacher licensure and certification program
[Effective until Apr. 20, 2018]

(a) Subject to §1218 of this title and notwithstanding any other provision in this chapter to the contrary, candidates seeking participation in an alternative routes for teacher licensure and certification program shall be issued a provisional license conditioned on continued enrollment in an alternative routes for teacher licensure and certification program and an emergency certificate or certificates provided they:

§ 1260 Requirements for the participation in alternative routes for teacher licensure and certification program
[Effective Apr. 20, 2018]

(a) Subject to §1218 of this title and notwithstanding any other provision in this chapter to the contrary, candidates seeking participation in an alternative routes for teacher licensure and certification program shall be issued a provisional license conditioned on continued enrollment in an alternative routes for teacher licensure and certification program and an emergency certificate or certificates provided they:

§ 1263 Recommendation for initial licensure and certification of teacher participating in the alternative routes for teacher licensure and certification program.

(a) At the conclusion of an alternative routes for teacher licensure and certification program, the certified evaluators shall prepare a comprehensive evaluation report on the performance of the teacher participating in an alternative routes for teacher licensure and certification program. This report shall be submitted by the certified evaluators directly to the Department of Education and shall contain a recommendation as to whether or not a license should be issued to the teacher participating in an alternative routes for teacher licensure and certification program. Such license shall be an initial license valid for the balance of the 3 year term, if the participant has completed the program in less than 3 years, or continuing license, if the 3 year term of the initial license has expired.

Section 4. This Act shall be effective December 15, 2016.

Approved June 30, 2016